

**FILED**

**MAR 23 2018**

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF MONTANA**

Clerk, U.S. District Court  
District Of Montana  
Helena

**BUTTE DIVISION**

ERIK POWELL,

Plaintiff,

No. CV 17-15-BU-SEH

vs.

**ORDER**

MONTANA STATE UNIVERSITY,  
DR. ROBERT MOKWA, JYL  
SHAFFER, JAMES SLETTEN, AND  
KATHARINE KUJAWA, employees  
of Montana State University, sued in  
his or her official and individual  
capacity, jointly and severally,

Defendants.

Pending before the Court are: Plaintiff's Motion to Compel<sup>1</sup> and  
Defendants' Motion for In-Camera Inspection of Disputed Discovery Items  
("Motion for *In Camera* Inspection").<sup>2</sup> Defendants' motion states their objection

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<sup>1</sup> Doc. 40.

<sup>2</sup> Doc. 76.

“to production of (1) Jyl Shaffer’s Declaration of Net Worth; (2) the ‘360°’ Review of Jyl Shaffer; and (3) communications related to private medical issues of a non-party.”<sup>3</sup>

The Court conducted three separate telephone conferences with counsel related to the motions on January 29, 2018, February 5, 2018, and February 20, 2018.<sup>4</sup>

On February 26, 2018, the parties filed a Joint Status Report to the Court Regarding Discovery (“Joint Status Report”),<sup>5</sup> which: (1) reported that all issues relating to Defendant’s earlier motion to compel were resolved; and (2) addressed other discovery issues (paragraphs 2(a)-(f)).

It appears from the Joint Status Report that the outstanding discovery issues raised by Docket Numbers 40 and 79 and addressed in paragraphs 2(a)-(f) of the Status Report are resolved and have been or will be provided as represented in the report, except for the three documents identified in the Motion for *In Camera* Inspection.

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<sup>3</sup> Doc. 76 at 2.

<sup>4</sup> Docs. 40 and 76.

<sup>5</sup> Doc. 79.

ORDERED:

1. Defendants' Motion for *In Camera* Inspection<sup>6</sup> is DENIED as Moot.
2. The Court has received and reviewed, *in camera*, the Declaration of Jyl Shaffer regarding net worth, the "360°" Review of Jyl Shaffer, and the communications with non-party Myka Perry regarding healthcare issues.
3. Production of the three items identified in paragraph 2 above is DENIED without prejudice. Plaintiff may renew requests for production of these items on or before March 30, 2018, at 4:45 p.m. upon a demonstration of good cause, including a showing that the documents are, or are reasonably expected to constitute, or to lead to the production of evidence admissible at trial.
4. Plaintiff's Motion to Compel<sup>7</sup> is DENIED without prejudice to renewal of any particular request on or before March 30, 2018, at 4:45 p.m. upon demonstration of good cause, including satisfaction of the requirements outlined in paragraph 3 above.

Any renewed request by Plaintiff shall identify with particularity each document or item sought and shall be accompanied by a brief setting forth the

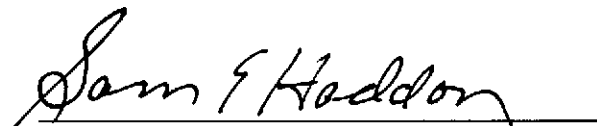
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<sup>6</sup> Doc. 76.

<sup>7</sup> Doc. 40.

particular reason or reasons why production of the document or item is deemed necessary and appropriate. Defendants may file a response brief on or before April 6, 2018, at 4:45 p.m.

DATED this 23<sup>rd</sup> day of March, 2018.

A handwritten signature in black ink, reading "Sam E. Haddon", written over a horizontal line.

SAM E. HADDON

United States District Judge